

TRANSMITTAL LETTER			Case No. 56/360
Serial No. 10/005,489	Filing Date November 8, 2001	Examiner Xiuqin Sun	Group Art Unit 2863
Inventor(s) Erich Strasser			
Title of Invention POSITION MEASURING DEVICE AND METHOD FOR THE START-UP OF A POSITION MEASURING DEVICE			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Amendment Pursuant to 37 C.F.R. § 1.116; Postcard Evidencing

Receipt.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

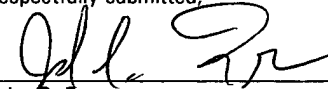
Small Entity	
Rate	Add'l Fee
x \$9 =	
x 43 =	
+ \$145 =	
Total add'l fee	\$

or

Other Than Small Entity	
Rate	Add'l Fee
x \$18 =	
x \$86 =	
+ \$290 =	
Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

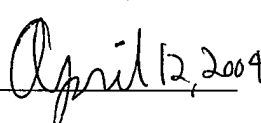
Respectfully submitted,

  
\_\_\_\_\_  
John C. Freeman  
Registration No. 34,483  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

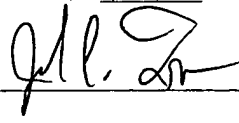
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AF  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 12, 2004.

Date:

  
April 12, 2004

Signature:





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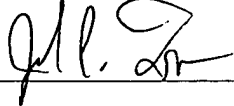
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2700

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Name of Registered Representative:

John C. Freeman  
John C. Freeman, Registration No. 34,483

April 12, 2004  
Date of Signature

PATENT  
CASE NO. 56/360

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
)  
Erich Strasser )  
) Group Art Unit: 2863  
Serial No.: 10/005,489 )  
) Examiner: Sun, Xiuqin  
Filed: November 8, 2001 )  
)  
For: POSITION MEASURING DEVICE AND )  
METHOD FOR THE START-UP OF A )  
POSITION MEASURING DEVICE )

**AMENDMENT PURSUANT TO 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed on February 10, 2004. This Amendment is necessary and was not earlier presented because it responds to new rejections to the claims under 35 U.S.C. § 103. It is not believed that Amendment

will require further consideration from the Examiner to an extent that a new search need be performed. Furthermore, since the Amendment has canceled rejected claims 1-11, 13 and 21 and retains allowed claims 14-20, the claims are in allowable form and the issues for appeal have been simplified. Accordingly, please cancel claims 1-11, 13 and 21 without prejudice as follows: